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5-16-1848

Lovely donation claims.

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### Recommended Citation

H.R. Rep. No. 604, 30th Cong., 1st Sess. (1848)

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# THIRTIETH CONGRESS—FIRST SESSION.

## Report No. 604.

[To accompany bill H. R. No. 488.]

### HOUSE OF REPRESENTATIVES.

#### LOVELY DONATION CLAIMS.

MAY 16, 1848.

MR. GARNETT DUNCAN, from the Committee on Public Lands, made the following

#### REPORT :

*The Committee on Public Lands, to whom was submitted a resolution touching the donation claims in Arkansas, report:*

It appears by the act 24th May, 1828, (Laws U. S. by Bioren, 8th volume, page 120,) that two quarter sections of land were given to "each head of a family, widow, or single man over the age of twenty-one years, actually settled on that part of the Territory of Arkansas, which, by the first article of the treaty between the United States and the Cherokee Indians, west of the Mississippi, ratified the 23d May, 1828, ceased to be a part of said territory, who shall remove from such settlement according to the provisions of said treaty." Provision was made for taking the proof of settlement and removal, and the operation of the act was expressly limited to two years.

By successive acts, 13th January, 1830, 27th January, 1831, 20th February, 1833, the provisions of this act originally, limited to two years as aforesaid, were extended down to the 24th May, 1838.

It appears by the statement of the commissioner, Mr. Young, that there are yet some fifty claims or more which ask to have these provisions still further extended, and that some of them are evidently spurious and fraudulent.

It would, in the opinion of the committee, be unwise, because it would be opening the door to fraud and perjury after a lapse of near twenty years, to revive all the provisions of this act, which required only proof of residence and removal to entitle the party

to 320 acres of land, especially when the government has no check whatever by which to test the correctness of the claims.

The committee would be slow to allow a claim to be barred by lapse of time when it was based on a valuable consideration received, and when the government had record evidence by which to test the genuineness of the claims. But as these were originally donations, and the gift was coupled with a condition that they were to be accepted and received according to the terms of the law in two years, and as the time was then liberally extended for more than seven years longer, and spurious and fraudulent claims would now, in all probably, be made to a greater extent than genuine ones, it is the judgment of the committee that less evil will result from refusing to extend the provisions of this law than from the extension. Those who may have failed to avail themselves of the gift offered them, cannot reproach the government for their own fault and neglect in failing, for so long a time, to avail themselves of a privilege voluntarily offered to them.

The committee think these lands should no longer be reserved from sale, after allowing the location of any of those claims which had been proven up before the 24th May, 1838, and admitted by the proper officer to be valid and genuine, and which may not since have been discovered to be spurious and fraudulent, and which may remain unlocated, in whole or in part, by reason of defective or erroneous entries or the death or infancy of parties. They recommend that such locations herein recommended may be located at any time within two years from the date of the act now reported.